

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

RYAN D. LITTLE)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:14-cv-278
)	
NORFOLK SOUTHERN RAILWAY COMPANY,)	
)	
Defendant.)	

PLAINTIFF'S MOTION TO DISMISS WITH PREJUDICE

COMES NOW the Plaintiff, RYAN D. LITTLE, and requests that this Honorable Court dismiss his Complaint against the Defendant with prejudice pursuant to the provisions of Rule 41(a)2 of the Federal Rules of Civil Procedure. As grounds therefore, the Plaintiff sets out the following:

1. Mediation was held in this matter on September 28, 2015.
2. During the mediation discussions, the Plaintiff and Plaintiff's counsel were first made aware that an FELA action that had been previously filed on behalf of the Plaintiff seeking damages arising from the Plaintiff's surgery for carpal tunnel syndrome also included a claim for damages related to a left ankle injury.
3. Plaintiff was never aware that a lawsuit had been filed for his carpal tunnel or his ankle injury and does not recall having any discussion about an ankle injury with the attorney who filed that claim.

4. Due to the aspersions that the previously filed lawsuit casts upon the Plaintiff's character for honesty and veracity, the Plaintiff wishes to dismiss this action.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff requests this Honorable Court to enter an Order dismissing this action with prejudice.

Respectfully submitted,

/s/ Kerry R. McDonald
Kerry R. McDonald
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on this the 2nd day of November 2015, a copy of Plaintiff's Motion to Dismiss with Prejudice has been served on all counsel of record by electronically filing same with the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Kerry R. McDonald
Attorney for Plaintiff